I hereby ceresy that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336630655US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 5, 2003 Signature:

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Docket No.: 286002021300

Group Art Unit: 1632

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy R. BRAZELTON and Helen M. BLAU

Application No.: 09/993,045

Filed: November 13, 2001 Examiner: Q. Li

For: METHODS FOR TREATING DISORDERS OF

NEURONAL DEFICIENCY WITH BONE

MARROW-DERIVED CELLS

TOH CHILL TO TOO SOON

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 5, 2003 (Paper No. 6), Applicants hereby elect Group I (Claims 1-33) for continued examination.

The Office Action further requires election of a combination of species for examination in the event no generic claims are found allowable.

Whereas Applicant believes that a generic claim will be found allowable, Applicant hereby elects one component from each of three species, with traverse.

I. Applicants submit that neuronal deficiency and memory function are not patentably disctinct species. According to the invention both neuronal deficiency and memory function are addressed the same way. ("inducing formation of new neurons in the nervous system of the subject; and improving symptoms of the neuronal deficiency or improving memory function in the individual" *see* paragraphs 0014-0016). In the event the arguments are not found persuasive,

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Docket No.: 286002021300

Applicants select "neuronal deficency" with traverse.

II. Applicants select autologous cells

III. The Specification states that "one or more neuronal factors affecting the proliferation, differentiation and/or survival of neurons" are suitable for the invention. (see paragraph 0071). The neuronal factors are patentably indistinct as long as they perform the specified function. In the event the arguments are not found persuasive, Applicants elect nerve growth factor with traverse.

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Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

Dated: June 5, 2003

Respectfully submitted,

Shantanu Basu

Registration No.: 43,318

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Palo Alto, California 94304

(650) 813-5600

Attorneys for Applicant

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Ondo	and respectively.		Application Number	09/993,045	1
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		Examiner Name	Q. Li	10 1	
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TRANSMITTAL Filing Date November 13, 2001 First Named Inventor Group Art Unit Examiner Name Q. Li Total Number of Pages in This Submission Total Number of Pages in This Submission ENCLOSURES (check all that apply) Assignment Papers (for an Application) After Allowance Communication to Group					
Fee Transmittal Form Fee Attached Amendment/Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts		Assignment Papers (for an Application) Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) Remarks		After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter X Other Enclosure(s) (please identify below) 1. Response to Restriction Requirement (2 pages) 2. Return Receipt Postcard	
	37 CFR 1.52 or 1.53	ATURE OF APPLIC	ANT, ATTORNEY, OR A	AGENT	-
Firm or Individual Name	MORRISON & FOERSTER LLP Shantanu Basu - 43,318				
Signature Saly PATENT TRADEMARK OFFICE					
Date June 5, 2003					
I hereby certify the in an envelope and Dated:	ddressed to: Commissione	er for Patents, P.O. B	ex 1450, Alexand ri a, VA 2	Express Mail, Airbill No. EV336630655US, 2313-1450, on the date shown below.	